

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 3 and 22 have been amended. Support for the amendments can be found throughout the specification, *inter alia*, in Example 2 where fragments of the coding sequence set out in SEQ ID NO:1 from 297 nucleotides (page 26, line 8) up to 4446 bp (page 26, line 18) are disclosed. No new matter is added by the amendments to the claims.

THE REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner rejected claim 22 as anticipated by Vollhardt et al., which discloses single nucleotides, which can be said to be a fragment of the nucleotide sequence set out in SEQ ID NO:1. Claim 22 has been amended, and now requires that the claimed molecule contain at least 297 nucleotides from the coding sequence of SEQ ID NO:1. It is respectfully submitted that the amendment to claim 22 removes the ground for the anticipation rejection, and it is respectfully requested that the rejection be withdrawn.

THE REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Examiner rejected claims 3, 4, 9, and 22, stating that the specification does not reasonably provide enablement for the use of any fragment of SEQ ID NO:1 or a vector comprising such a fragment. The Examiner states, in the following paragraph, that the specification provides no guidance as to what else one of ordinary skill in the art would use a fragment of SEQ ID NO:1 for besides as a probe or encoding a peptide for antibody generation. The Examiner cites the Example of a fragment of a single nucleotide, or a vector with a single nucleotide, in support of the rejection.

Claims 3 and 22 have been amended. Both now require (in a vector, in claim 3, and in an isolated DNA molecule, in claim 22) the presence of at least 297 contiguous nucleotides of the coding sequence of SEQ ID NO:1. Example 2 of the specification is replete with individual examples of such fragments, as well as vectors that comprise such fragments. Thus, it is

respectfully submitted that the specification does teach how to make and use the claimed fragments for purposes other than as probes or to encode peptides for antibody production. Accordingly, it is respectfully submitted that the ground for the rejection of claims 3, 4, 9, and 22 has been overcome, and the rejection should be withdrawn.

Respectfully submitted,



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VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

3. (Thrice Amended) A vector molecule comprising a member selected from the group consisting of a polynucleotide comprising at least 297 contiguous nucleotides of coding sequence from [fragment of the nucleotide sequence set forth in] SEQ ID NO:1 and an isolated DNA according to claim 1.

22. (Twice Amended) An isolated DNA molecule comprising at least 297 contiguous nucleotides of coding sequence from [a fragment of the nucleotide sequence set forth in] SEQ ID NO:1.